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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,073	01/19/2001	Ken Nozaki	500.39461X00	6793

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/764,073

Applicant(s)

NOZAKI ET AL.

Examiner

Clement B Graham

Art Unit

3628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3628

Continuation of 11. does NOT place the application in condition for allowance : See continuation Sheet

Because Applicant's arguments states Lundahl and Giles fail to teach the claimed limitations as recited in claims 1, 8 and 11.

However the examiner disagrees because these limitations were addressed in a combinations of teachings in prior Office Action as state Lundahl teaches preparing a plurality of prediction models (see column 8 lines 60-67 and column 9 lines 1-67 and column 10 lines 1-2) arranged in a the computer for calculating with the prediction model in a first root layer ("i. e, "first data matrix") (see column 10 lines 3-10 and column 42 lines 37-60 and column 43 lines 10-15) an output value ("i. e, optimal value") from at least one attribute included in the input data by a calculation unit of the computer and selecting the prediction model in a subsequent layer according to the output value ("i. e, optimal value") by a selection unit of the computer(see column 44 lines 9-44) repetitiously ("i. e, repeatedly") executing the output value calculation step and the subsequent layer prediction model selection step while shifting the layer to a leaf side until the prediction model o a final leaf layer of the (see column 44 lines 9-44 and column 42 lines 37-60 and column 43 lines 10-15) is reached and calculating a score(see column 33 lines 39-48) from the input data using the prediction model of the final leaf layer by the calculation unit.(see column 41 lines 47-50 and column 44 lines 9-44 and column 42 lines 37-60 and column 43 lines 10-15) Lundahl further discloses description for the terms calibration, updating, and querying, refer generally to modeling and or functional relationships with or within or between datasets (see column 8 lines 19-21) and calculation means in a computer for processing input data using a plurality of prediction models (see column 8 lines 60-67 and column 9 lines 1-67 and column 10 lines 1-2)

arranged in a selecting means in the computer (see column 44 lines 9-44) for selecting the prediction model in a subsequent layer("i. e, "second data matrix" see column 42 lines 55-60) (see column 31 lines 25-65 and column 32 lines 5-35) and display means connected to the computer for displaying a score(see column 10 lines 34-46) wherein the calculation means calculates an output value (i. e, optimal value") with the prediction model (see column 44 lines 9-44 and column 42 lines 37-60 and column 43 lines 10-15) in an N-th layer ($N \geq 1$) ("i. e, multiplicity of the same function") from at least one attribute included in the input data said selecting means selects &the prediction model in-a-in the subsequent layer according to the output value of the prediction model of the layer, and said display means displays a score output from said final leaf layer prediction model. (see column 13 lines 35-40 and column 30 lines 25-65 and column 31 lines 25-65 and column 32 lines 5-35 and column 34 lines 55-65 and column 35 lines 5-10) Lundahl further discloses description for the terms calibration, updating, and querying, refer generally to modeling and or functional relationships with or within or between datasets (see column 8 lines 19-21).

However Giles discloses many of the traditional cluster analysis methods, both partitioning and hierarchical, are encumbered by looking for many or all possible clusters within the data this is followed by a cluster consolidation process(see column 2 lines 39-63) and After initialization and input processes, the inventive method finds the optimal "boundary" for each numeric independent input variable and calculates a "score" for each independent input variable, whether the variable is numeric or categoric. The method then finds the best "boundary(ies)" and highest "score" for the combination of the two highest scoring independent variables and is repeated for the three highest scoring independent variables. This can be repeated for any number of independent variables and the "score" which is critical to the analysis process is basically a decision criteria. While there are many ways to calculate a "score", the following describes an exemplary way which appears to work well for manufacturing data. First, a numeric variable value is defined as "included" if the value is between the "boundary" and the maximum or minimum value for that variable, depending on whether the "boundary" is on the high or low side of the average for that variable. For categoric variables, "included" is determined by which of two values (i.e., categories) the variabl has. One type of outcome is referred to as "bad", and the other is referred to as "good". For combinations of variables, the values of all o the variables for a particular process operation must be within the defined region of parameter space for the record associated with that operation to be "included". An exemplary "scoring" method used within the exemplary program is as follows.(see column 4 lines 48-67 and column 5 lines 1-5).